

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

THOMAS BON STOUT,)	
)	
Plaintiff,)	
vs.)	NO. CIV-11-0084-HE
)	
OKLAHOMA DEPARTMENT OF)	
CORRECTIONS, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiff Thomas Bon Stout, a state prisoner appearing *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. Consistent with 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Roberts, who has recommended that a motion to dismiss filed by the Department of Corrections (“DOC”) be granted. Plaintiff has objected to the Report and Recommendation.

The magistrate judge concluded that plaintiff’s claims against the DOC are barred by the Eleventh Amendment. Plaintiff does not address the immunity issue in his objection, arguing instead that a material fact dispute exists as to his claims.

The court concurs with the magistrate judge’s analysis and adopts her Report and Recommendation. Accordingly, the DOC’s motion to dismiss [Doc. #29] is **GRANTED** and the plaintiff’s claims against the DOC, which are barred by the Eleventh Amendment, are dismissed.

IT IS SO ORDERED.

Dated this 25th day of July, 2012.



JOE HEATON
UNITED STATES DISTRICT JUDGE